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## REMARKS

Claims 1-28 are pending in the present Application. Claim 12 has been canceled, and Claim 1 has been amended, leaving Claims 1-11 and 13-28 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections Under 35 U.S.C. § 102(b)

Claim 1, 5-10, 14-15, 17-18, 21, 23-26 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Voges et al (US 4,644,086). Claims 1, 5-10, 14-18, 21, 23-26 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Battista et al (US 4,661,638) Applicants respectfully traverse these rejections.

Voges teaches a catalyst composed (a) an iron oxide, (b) molybdenum oxide or tungsten oxide and (c) one other metal oxide. (Abstract) Voges also teaches the optional addition of the graphite in the catalyst as an inert additive. The Examiner has stated "The physical addition of the graphite additive would cause pores in the catalyst system and thus would render the claimed invention anticipated" (Office Action, page 4).

Commercially available graphites have an average pore size ranging from about 0.6 micrometers i.e., 6000 angstrom units to about 2.4 micrometers i.e., 24000 angstrom units as compared to the pore size of 100 to 400 angstrom units obtained by employing the pore-former in the Applicants catalyst. Applicants respectfully request the Examiner note that though graphite is a porous material it is generally added as filler in a catalyst system, and unlike the pore-forming materials of the claimed invention graphite does not generate pores in the catalytic material itself. Further in the claimed invention the walls of the pores are catalyst material where the alkylation reaction can take place, while the walls of the graphite pores are inert and hence do not participate in catalyzing the alkylation reaction.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Barient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Applicants respectfully request withdrawal of the rejection because Voges does not teach each and every element of

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the pending claims.

Battista teaches a catalyst product derived by heating a catalyst precursor comprising a solid mixture of a magnesium-containing material and manganese hydroxide, in which the magnesium containing material is selected from magnesium carbonate, basic magnesium carbonate and magnesium hydroxide. The reference does not teach the use of a transition metal element or a pore former in the catalyst precursor system as required in claim 1 of the pending application. Again the Applicants respectfully request withdrawal of the rejection because Battista does not teach each and every element of the pending claims.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2, 3, 4 and 11 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Voges et al (US 4,644,086). Claims 12 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ingelbrecht et al (US 20050004407) and Srinivas et al (US 20030194366). Applicants respectfully traverse these rejections.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicants respectfully assert that, based on the arguments provided above, claims 2,3,4 and 11 are not rendered obvious by Voges because Voges does not teach or suggest use of a pore former as is instantly claimed.

In Ingelbrecht et al, a commonly owned patent application, the invention relates to a method of making a catalyst comprising mixing a metal oxide precursor and a pore-former. Ingelbrecht does not teach the use of a transition metal element as required by Claim 1. Again the Applicants respectfully request withdrawal of the rejection because Ingelbrecht does not teach each and every element of the pending claims.

Srinivas et al relates to catalysts and catalytic methods for selective oxidation of hydrogen sulfide in a gas stream containing one or more oxidizable components other than  $H_2S$  to generate sulfur dioxide, elemental sulfur or both without substantial oxidation of one or more oxidizable

components other than  $\text{H}_2\text{S}$ . Srinivas et al. does not teach or suggest the claimed method, notably a method for forming a mono alkylated dihydroxy aromatic compound. Accordingly, Applicants request withdrawal of the rejection.

#### Claim Objections

Claims 19, 20 and 22 have been objected to as being dependent upon a rejected base claim. Applicant thanks the Examiner for the indication of allowability. Applicants believe that in light of the above remarks the base claims are allowable and hence have not rewritten Claims 19, 20 and 22 as independent claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No 06-1130

Respectfully submitted,

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